



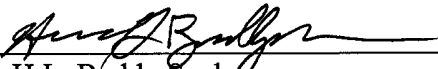
4. To date, SPECTRUM has failed and refused to provide any proposed scheduling order deadlines to CKI.

5. Due to SPECTRUM's failure to provide any proposed scheduling order deadlines, CKI submits its own proposed scheduling order setting the deadlines in this case. See attached Exhibit "B."

WHEREFORE, PREMISES CONSIDERED, CKI requests the Court grant its Motion to Enter Scheduling Order and enter CKI's proposed scheduling order and for such other and further relief, legal or equitable, to which Defendant shows itself to be justly entitled.

Respectfully submitted,

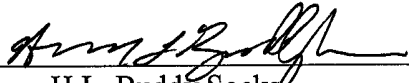
Glast, Phillips & Murray, P.C.  
The Court Building  
219 E. Houston, Suite 400  
San Antonio, Texas 78205  
(210) 244-4100  
(210) 244-4198 Facsimile

By:   
H.L. Buddy Socks  
State Bar No. 18819800

Attorneys for Defendant/Counter-Plaintiff,  
Carolyn Kinder International, LLC

**CERTIFICATE OF CONFERENCE**

I hereby certify that Penny Habbeshaw, counsel of record for SPECTRUM CREATIONS, LP, was contacted by telephone call on 10-7-05, to confer regarding this Motion to Compel Answers to Interrogatories. Ms. Habbeshaw could not be reached, therefore, the motion is presented to the Court.

  
H.L. Buddy Socks

**CERTIFICATE OF SERVICE**

I hereby certify that the above has been delivered by the method indicated on this the 7<sup>th</sup> day of October, 2005 to:

Penny K. Habbeshaw  
Habbeshaw & Kalmans, P.C.  
The Colonnade, Suite 800  
9901 I.H. 10 West  
San Antonio, Texas 78230  
210-699-8086  
210-699-3409 (fax)

Via hand delivery

  
H.L. Buddy Socks

GLAST, PHILLIPS & MURRAY

A PROFESSIONAL CORPORATION

ATTORNEYS AND  
COUNSELORS

-----  
H. L. BUDDY SOCKS  
(210) 244-4119  
bsocks@gpm-law.com

THE COURT BUILDING  
219 E. HOUSTON ST., SUITE 400  
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DALLAS  
(972) 419-8300  
-----  
HOUSTON  
(713) 237-3111

October 3, 2005

Penny K. Habbeshaw  
Habbeshaw & Kalmans, P.C.  
The Colonnade, Suite 800  
9901 I.H. 10 West  
San Antonio, Texas 78230

Via telecopy (210)699-3409

Re: *Spectrum Creations, LP v. Carolyn Kinder International, LLC*, Cause No. SA 05 CA  
0750 XR; in the United States District Court for the Western District of Texas San  
Antonio Division

Dear Penny:

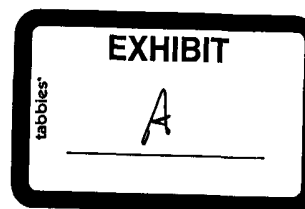
As I have noted in earlier letters to you, my calender shows that a Scheduling Order is due October 7, 2005. I have not yet received a draft for review and comments. I will need to visit with my client about the proposed deadlines, accordingly, I will need your draft as soon as possible.

As a second matter, as set out in my letter to you last week, we did not receive responses to the Defendant's Interrogatories that were sent to your client. Further, we have provided you with a proposed Protective and Confidentiality Order so that we can obtain copies of the documents that are responsive to our Request for Production of Documents. I would appreciate your forwarding those interrogatory responses to me immediately, together with the signed Protective and Confidentiality Order and, copies of the documents that we have requested. In the event we do not receive the requested discovery items/documents by the end of this week, we will have to seek relief from the Court by way of a Motion to Compel. If you have any questions, please do not hesitate to contact me.

Yours very truly,



Glast, Phillips & Murray, P.C.  
By: H. L. Buddy Socks



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SPECTRUM CREATIONS, LP,

Plaintiff,

V.

CAROLYN KINDER INTERNATIONAL,  
LLC

Defendant,

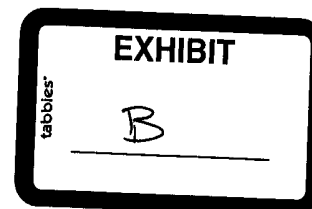
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CIVIL ACTION NO. SA 05 CA 0750 XR

### SCHEDULING ORDER

The Court enters the following deadlines to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by October 28, 2005.
2. The parties shall advise if they agree the case is to be placed on the Expedited Docket and whether they consent to trial by the Magistrate Judge by September 12, 2005. If such consent is given, the form as set out in Appendix B-1 shall be used.
3. The parties asserting claims for relief shall submit offer of settlement to opposing parties by November 18, 2005, and each opposing party shall respond, in writing by December 2, 2005.
4. The parties shall file all motions to amend or supplement pleadings or to join additional parties by March 1, 2006.
5. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P.



26(a)(2)(B) by March 30, 2006. Parties resisting claims for relief shall file their their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by April 21, 2006. All designations of rebuttal experts shall be filed within 15 days of the receipt of the report of the opposing expert.

6. The parties shall complete all discovery on or before May 26, 2006. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than June 16, 2006. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 20 pages in length.

8. This case is set for trial on \_\_\_\_\_ at \_\_\_\_\_ a.m. The parties should consult Local Rule CV-16(e) regarding matters filed in advance of trial.

So Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Hon. Xavier Rodriguez  
United States District Judge